NEVADA DEPARTMENT OF CONSERVATION & NATURAL RESOURCES

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 94010

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-059-94

DOCUMENTS INCLUDED IN THIS FILE:

YES **SECRETARY OF STATE FILING FORM**

YES **DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES **AS FILED AND CODIFIED BY LCB**

Secretary of State Filing Data	For Filing Administrative Regulations	For Emergency Regulations Only
		Effective Date _____ Expiration Date _____ _____ Governor's Signature

Nevada State Environmental Commission

Classification [ ] Proposed [ ] Adopted By Agency [**XX**] Temporary [ ] Emergency [ ]

Brief description of action: Petition 94010 (LCB R-059-94) amends the Nevada Administrative Code (NAC) 445.1339, standards for toxic materials applicable to designated waters. This permanent amendment revises the aquatic life standards for selected metals based on U.S. EPA's interpretation and implementation policy.

Authority citation other than 233B: NRS 445.201 and 445.244

Notice date: April 13, April 14, April 26, May 4 and May 12, 1994

Hearing date: May 26, 1994

Date of Adoption of Agency: May 26, 1994

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 94010
LCB R-059-94

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Chapter 445 by the State Environmental Commission (SEC).

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 94010 was noticed 5 (five) times: April 13 in the Las Vegas Review, April 14 in the Nevada Appeal, and April 26, May 4 and May 12, 1994 in the Las Vegas Review and Reno Gazette-Journal newspapers. The regulatory hearing was held on May 26, 1994 in Las Vegas, Nevada. At this hearing there was no public comment. Comments and hearing minutes may be secured from the Office of the State Environmental Commission located in Carson City, Nevada at 333 W. Nye Lane, Room 128. No comments were received from the general public regarding this petition.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. Supportive comments of the changes proposed by this regulation were received from the U.S. EPA Nevada Water Quality Standards Watershed Protection Section.
Comments and hearing minutes may be secured from the Office of the State Environmental Commission located in Carson City, Nevada at 333 W. Nye Lane, Room 128.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the State Environmental Commission hearing on May 26, 1994 without change. The regulation revise the aquatic life standards for selected metals based on U.S. EPA's interpretation and implementation policy. No amendments were requested nor made at the hearing.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects: and
(b) Both immediate and long-term effects.

a.

1. Although the economic effect is unknown, the proposed revisions could result in a beneficial economic impact to the regulated community.
2. The proposed revisions would have no immediate effect, but could result in a long-term beneficial economic effect on the regulated community.

b.

1. Although the economic effect is unknown, there is no anticipated adverse or beneficial economic impact to the public.
2. Although the economic effect is unknown, there is no anticipated immediate or long-term economic effect on the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The proposed revisions will result in some additional cost for enforcement.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed revisions duplicate.

CODIFIED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION
LCB File No. R059-94

EXPLANATION - Matter in ***italics*** is new; matter in brackets **[ ]** is material to be omitted.

AUTHORITY: NRS 445.201 to NRS 445.244

Section 1. Chapter 445.1339 is hereby amended to read as follows:

445.1339 Except as otherwise provided in this section, the following standards for toxic materials are applicable to the waters specified in NAC 445.121 to 445.125, inclusive, and NAC 445.134 to 445.13976, inclusive. If the standards are exceeded at a site and are not economically controllable, the commission will review and adjust the standards for the site.

Chemical (Fg/l)	**Municipal or Domestic Supply** (Fg/l)	**Aquatic Life** (Fg/l)	**Irrigation** (Fg/l)	**Watering of Livestock**
Antimony	146[a]	-	-	-
Arsenic	50[b]	-	100[c]	200[d]
Arsenic (III)	-	-	-	-
1-hour average	-	**[360[a]]*342[a,g]***	-	-
96-hour average	-	**[190[a]]*180[a,g]***	-	-
Barium	1,000[a.b]	-	-	-
Beryllium	0[a]	-	100[c]	-
hardness <75 mg/l	-	-	-	-
hardness >=75 mg/l	-	-	-	-
Boron	-	550[e]	750[a]	5,000[d]
Cadmium	10[a.b]	-	10[d]	50[d]
1-hour average	-	***0.85***exp{1.128 ln(H)-3.828}[a,g]	-	-
96-hour average	-	***0.85***exp{0.7852ln(H)-3.490}[a,g]	-	-
Chromium (total)	50[b]	-	100[d]	1,000[d]
Chromium (VI)	-	-	-	-
1-hour average	-	**[16[a]]*15[a,g]***	-	-
96-hour average	-	**[11[a]]*10[a,g]***	-	-
Chromium (III)	-	-	-	-
1-hour average	-	***0.85***exp{0.8190 ln(H)+3.688}[a,g]	-	-
96-hour average	-	***0.85***exp{0.8190 ln(H)+1.561}[a,g]	-	-
Copper	-	-	200[d]	500[d]
1-hour average	-	***0.85***exp{0.9422 ln(H)-1.464}[a,g]	-	-
96-hour average	-	***0.85***exp{0.8545 ln(H)-1.465}[a,g]	-	-

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Cyanide	200[a]	-	-	-
1-hour average	-	22[a]	-	-
96-hour average	-	5.2[a]	-	-
Fluoride	-	-	1,000[d]	2,000[d]
Iron -	-	1,000[a]	5,000[d]	-
Lead	50[a,b]	-	5,000[d]	100[d]
1-hour average	-	***0.50***exp{1.273 ln(H)-1.460}[a,g]	-	-
96-hour average	-	***0.25***exp{1.273 ln(H)-4.705}[a,g]	-	-
Manganese	-	-	200[d]	-
Mercury	2[b]	-	-	10[d]
1-hour average	-	**[2.4[a]]*2.0*[a,g]**	-	-
96-hour average	-	0.012[a]	-	-
Molybdenum	-	19[e]	-	-
Nickel	13.4[a]	-	200[d]	-
1-hour average	-	***0.85***exp{0.8460 ln(H)+3.3612}[a,g]	-	-
96-hour average	-	***0.85***exp{0.8460 ln(H)+1.1645}[a,g]	-	-
Selenium	10[a,b]	-	20[d]	50[d]
1-hour average	-	20[a]	-	-
96-hour average	-	5.0[a]	-	-
Silver	50[a,b]	***0.85***exp{1.72 ln(H)-6.52}[a,g]	-	-
Sulfide undissociated hydrogen sulfide	-	2[a]	-	-
Thallium	13[a]	-	-	-
Zinc -	-	2,000[d]	25,000[d]	
1-hour average	-	***0.85***exp{0.8473 ln(H)+0.8604}[a,g]	-	-
96-hour average	-	***0.85***exp{0.8473 ln(H)+0.7614}[a,g]	-	-
Acrolein	320[a]	-	-	-
Aldrin	0[a]	3[a]	-	-
Chlordane	0[a]	2.4[a]	-	-
24-hour average	-	0.0043[a]	-	-
2,4-D	100[a,b]	-	-	-
DDT & metabolites	0[a]	1.1[a]	-	-
24-hour average	-	0.0010[a]	-	-
Demeton	-	0.1[a]	-	-
Dieldrin	0[a]	2.5[a]	-	-
24-hour average	-	0.0019[a]	-	-
Endosulfan	75[a]	0.22[a]	-	-
24-hour average	-	0.056[a]	-	-
Endrin	0.2[b]	0.18[a]	-	-
24-hour average	-	0.0023[a]	-	-
Guthion	-	0.01[a]	-	-
Heptachlor	-	0.52[a]	-	-
24-hour average	-	0.0038[a]	-	-
Lindane	4[b]	2.0[a]	-	-
24-hour average	-	0.080[a]	-	-
Malathion	-	0.1[a]	-	-
Methoxychlor	100[a,b]	0.03[a]	-	-
Mirex	0[a]	0.001[a]	-	-

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Parathion	-	-	-	-
1-hour average	-	0.065[a]	-	-
96-hour average	-	0.013[a]	-	-
Silvex (2.4.5-TP)	10[a.b]	-	-	-
Toxaphene	5[b]	-	-	-
1-hour average	-	0.73[a]	-	-
96-hour average	-	0.0002[a]	-	-
Benzene	5[b]	-	-	-
Monochlorobenzene	488[a]	-	-	-
m-dichlorobenzene	400[a]	-	-	-
o-dichlorobenzene	400[a]	-	-	-
p-dichlorobenzene	75[b]	-	-	-
Ethylbenzene	1,400[a]	-	-	-
Nitrobenzene	19,800[a]	-	-	-
1.2 dichloroethane	5[b]	-	-	-
1.1.1-trichloroethane (TCA)	200[b]	-	-	-
Bis(2-chloroisopropyl) ether	34.7[a]	-	-	-
Chloroethylene (vinyl chloride)	2[b]	-	-	-
1.1-dichloroethylene	7[b]	-	-	-
Trichloroethylene (TCE)	5[b]	-	-	-
Hexachlorocyclo-pentadiene	206[a]	-	-	-
Isophorone	5,200[a]	-	-	-
Trihalomethanes (total)[f]	100[b]	-	-	-
Tetrachloromethane (carbon tetrachloride)	5[b]	-	-	-
Phenol	3,500[a]	-	-	-
2,4-dichlorophenol	3,090[a]	-	-	-
Pentachlorophenol	1,010[a]	-	-	-
1-hour average	-	exp{1.005 (pH)-4.830}[a]	-	-
96-hour average	-	exp{1.005 (pH)-5.290}[a]	-	-
Dinitrophenols	70[a]	-	-	-
4,6-dinitro-2-methylphenol	13.4[a]	-	-	-
Dibutyl phthalate	34,000[a]	-	-	-
Diethyl phthalate	350,000[a]	-	-	-
Dimethyl phthalate	313,000[a]	-	-	-
Di-2-ethylhexyl phthalate	15,000[a]	-	-	-
Polychlorinated biphenyls (PCBs)	0[a]	-	-	-
24-hour average	-	0.014[a]	-	-
Fluoranthene (polynuclear aromatic hydrocarbon)	42[a]	-	-	-
Dichloropropenes	87[a]	-	-	-
Toluene	14,300[a]	-	-	-

Footnotes and References

(1) Single concentration limits and 24-hour average concentration limits must not be exceeded. One-hour average and 96-hour average concentration limits may be exceeded only once every 3 years. See reference a.

(2) Hardness (H) is expressed as mg/1 $CaCO_3$.

(3) If a criteria is less than the detection limit of a method that is acceptable to the division, laboratory results which show that the substance was not detected will be deemed to show compliance with the standard unless other information indicates that the substance may be present.

(4) If a standard does not exist for each designated beneficial use, a person who plans to discharge waste must demonstrate that no adverse effect will occur to a designated beneficial use. If the discharge of a substance will lower the quality of the water, a person who plans to discharge waste must meet the requirements of NRS 445.253.

(5) The standards for metals are expressed as total recoverable, unless otherwise noted.

a. U.S. Environmental Protection Agency, Pub. No. EPA 440/5-86-001, Quality Criteria for Water (Gold Book) (1986).

b. Federal Maximum Contaminant Level (MCL), 40 C.F.R. §§ 141.11, 141.12, 141.61 and 141.62 (1988).

c. U.S. Environmental Protection Agency, Pub. No. EPA 440/9-76-023, Quality Criteria for Water (Red Book) (1976).

d. National Academy of Sciences, Water Quality Criteria (Blue Book) (1972).

e. California State Water Resources Control Board, Regulation of Agricultural Drainage to the San Joaquin River: Appendix D, Water Quality Criteria (March 1988 revision).

f. The criteria for trihalomethanes (total) is the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform). See reference b.

g. This standard applies to the dissolved fraction.

END OF PETITION 94010 (LCB R-059-94)

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